

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD RAYMOND CROFT,

Petitioner,

Case No. 13-20568

v.

Hon. John Corbett O'Meara

UNITED STATES OF AMERICA,

Respondent.

**ORDER GRANTING MOTIONS FOR EXTENSION
OF TIME AND DENYING MOTION FOR DISCOVERY**

Before the court are Petitioner's motions for an extension of time to file a reply to the government's response brief and motion for discovery. Petitioner pleaded guilty to possession of child pornography on February 20, 2014, and was sentenced to 120 months in prison. On February 17, 2017, Petitioner filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255. The government filed a response on March 27, 2017.

Petitioner seeks discovery in support of his motion. Under Rule 6(a) of the Rules Governing Section 2255 Proceedings, a district court may authorize a movant to conduct discovery upon a showing of good cause. Good cause is established "where specific allegations . . . show reason to believe that [the movant] may, if the facts are fully developed, be able to demonstrate" entitlement

to relief. Bracy v. Gramley, 520 U.S. 899, 908–09 (1997) (citation omitted); Williams v. Bagley, 380 F.3d 932, 974 (6th Cir. 2004). The burden is on the movant to make specific allegations demonstrating the materiality of the information requested. See Williams, 380 F.3d at 974 (“Rule 6 does not ‘sanction fishing expeditions based on a petitioner’s conclusory allegations.’”).

Petitioner has not made specific allegations demonstrating the materiality of the discovery he has requested, nor has he demonstrated that he is likely entitled to relief. Accordingly, the court will deny his request. The court will grant Petitioner’s motions for an extension of time to file his reply brief.

IT IS HEREBY ORDERED that Petitioner’s motion for discovery is DENIED.

IT IS FURTHER ORDERED that Petitioner’s motions for an extension of time to file a reply brief are GRANTED. Petitioner shall file his reply brief by **July 15, 2017.**

s/John Corbett O’Meara
United States District Judge

Date: June 15, 2017

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 15, 2017, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager